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| 10/575,847      | 04/14/2006  | Keith Hensel         | BRE0326U            | 5157             |

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| EXAMINER |
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WASAFF, JOHN SAMUEL

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3742

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09/09/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/575,847 | <b>Applicant(s)</b><br>HENSEL, KEITH |  |
|                              | <b>Examiner</b><br>JOHN WASAFF       | <b>Art Unit</b><br>3742              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1-27 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-27 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US Patent No. 2,588,906) in view of Yu (US Patent No. 6,135,018) and Schier (US Patent No. D187,451).

3. Clark teaches an electric citrus press device comprising: a rotating reamer (cup 12 retained in rotative position; col. 4, ln. 40-45) having a plurality of external primary ribs (knives 36) for contacting the citrus (Fig. 3); wherein the plurality of primary ribs each have a first compound profile (profile of knives 36 seen in Fig. 3); an actuating arm (cap 13) comprising a hinge at one end (hinge located at rear of cap 13, near arm 26, and could be defined by parts 26, 27, 55, or 60; Fig. 3) and a handle at another end (front of cap 13 defines handle; Fig. 4) and a fruit dome (upper juice-extracting element 14; Fig. 4) carried by an intermediate portion of the actuating arm (element 14 attached to intermediate portion of cap 13; Fig. 4); an interior of the dome having at least one inward facing rib (slots 43) that has a second compound profile that closely resembles the first compound profile (slots 43 face inward and receive knives 36; Figs. 3, 5; col. 3, ln. 10-15); the primary ribs are blade like (i.e., knives 36); the fruit dome has a trajectory determined by the actuating arm, the trajectory having a curved portion and a generally linear portion that is generally coincident with an axis of rotation of the reamer (upper element of

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fruit press moves through space by first linear, i.e., coincident, and then arcuate pattern; col. 4, ln. 20-25).

Clark fails to teach: the reamer being motorized; the first compound profile comprising two separate convex profiles, being an upper profile and a lower profile and a concave transitional section located between the upper and the lower profile; the concave transitional section smoothly blends the upper and lower profiles together; the upper profile has a larger longitudinal radius or sharper apex angle than the lower profile; a plurality of secondary ribs that are lower than the primary ribs; the top of at least some of the primary ribs form spikes to hold fruit in place; the secondary ribs are located between the primary ribs.

Yu teaches a fruit squeezer that has a motor connected to a reamer (motor 24, reamer 6; Fig. 4 of Yu).

Schier teaches a juice extraction device comprising a plurality of primary ribs (ribs seen in Fig. 1) for contacting the citrus; the plurality of primary ribs each have separate upper and lower convex profiles (Fig. 1 shows ribs with two profiles, one closer to apex and one closer to base); a concave transitional section located between the upper and the lower profile (Fig. 1 middle portion that acts as transition between profiles at top and bottom); the concave transitional section smoothly blends the upper and lower profiles together (seen in Fig. 1); the upper profile has a sharper apex angle than the lower profile (apex portion at top of ribs has sharper angle than profile near base; Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Clark with Yu, since, as Yu demonstrates, a motorized reamer provides for greater efficiency during juicing and pressing. Further, it would have been obvious to combine Clark

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and Yu with Schier, since, as Schier demonstrates, it is well known in the art to adjust the design of the reamer according to user preferences and/or the shape of the food item that is to be pressed.

4. Claims 4, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark, Yu, and Schier, and further in view of Thackray (US Patent No. D379,744).

5. Clark, Yu, and Schier teach all the features as set forth above, but fail to teach a plurality of secondary ribs, secondary ribs between the primary ribs, a paddle near a base of the primary ribs, and the top of at least some of the primary ribs form spikes to hold fruit in place.

Thackray shows a citrus press with primary ribs and secondary ribs (primary ribs include those ribs that extend furthest from dome, while secondary ribs are located in between primary ribs; Figs. 1, 6). A paddle is also located at the base of the primary ribs to provide for easy access to the fruit juice (Fig. 1). As seen in Fig. 1, the primary ribs converge to form a spike to hold a fruit.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark, Yu, and Schier to include the features of Thackray, so that the any seeds and/or pulp are filtered out via the secondary ribs.

6. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark, Yu, and Schier, and further in view of De Zarate (US Patent No. 4,706,559).

7. Clark, Yu, and Schier teach all the features as set forth above, including the fruit dome including a cup-like depression (see Fig. 3 of Clark), but fail to teach: a micro-switch; an apex

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with central spike; internal pins to stop a rotation of fruit; the fruit dome being removable; the fruit dome including a stub shaft; a juice collector that includes a sealable spout.

De Zarate shows a motorized juice extractor that includes: the actuating arm co-operates with a micro switch lock-out (micro-switch 34) to prevent early rotation of the juicing reamer; the reamer has an apex on which is formed a central spike (protuberance 26 on apex of head 25; Fig. 1) which co-operates with an internal surface of the fruit dome (protuberance 26 fits in cap 33; Fig. 1) to limit the gap between the reamer and the dome; the fruit dome includes a profile on its inner surface that corresponds with the profile of the reamer profile (Fig. 1 protuberance 26 fit snugly in cap 33, i.e., profile of fruit dome corresponds to reamer profile); internal pins to stop a rotation of a fruit (cam 35 starts/stop rotation; col. 4, ln. 40-45); the fruit dome is removable for washing (cap 33 connected via screws to arm 31, i.e., cap 33 removable; col. 4, ln. 35-40); the fruit dome includes a stub shaft for attaching the dome to a corresponding aperture in the actuating arm (cap 33 attaches to arm 31 via screw that acts as shaft and aperture in arm 31; Fig. 1); the fruit dome contains one internal edge to grip the skin of the fruit (cap 33 has inside surface, i.e., internal edge; Fig. 1); a juice collector that includes a sealable spout to control the flow of juice from the collector (pipe 18 defines a juice collector, with free end 19 defining a sealable spout; Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark, Yu, and Schier to include the features of De Zarate. The motivation is for a faster and more efficient extraction of liquids from fruits, which is accomplished via the upper arm lever that actuates a motor drive when closed (see abstract, col. 2, ln. 35-40 of De Zarate).

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8. Claims 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Zarate in view of Clark, and further in view of Hartenberg et al. (*Kinematic Synthesis of Linkages*, 1964).

9. De Zarate teaches all the features as set forth above, including a reamer (extractor head 25); a housing to support the reamer (cylindrical body 1); a motor to drive the reamer, the motor contained in the housing (electric motor 2 in body 1; Fig. 1); a fruit dome carried by an actuating arm (cap 33 on handle 31; Fig. 1). De Zarate fails to teach a collapsible, quadrilateral, four bar linkage hinge, with at least one fixed pivot attached to the housing.

Clark teaches an L-shaped link 51 that has its upper inner end pivoted at 55 to the lower end of the post 27, and its lower outer end pivotally supported by a pin 56 rested in notches 57 that are formed in the standard 18 of the base 11 under the bottom of the cup 12 and adjacent the axis thereof (col. 3, ln. 45-50 of Clark). The movement of the link can be seen between Figs. 1 and 3 of Clark.

It would have been obvious to one of ordinary skill in the art to modify De Zarate to include the feature of different angular positions produced by the L-shaped link, as taught by Clark. The motivation is for the greatest amount of flexibility. Regarding the use of the four bar linkage in particular, this too would have been obvious at the time of the invention, since the use of four-bar linkages is well-established in the mechanical arts (see Fig. 2-7, p. 39 of Hartenberg).

10. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Zarate in view of Daniels (US Patent No. 4,378,078).

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11. De Zarate teaches all the features as set forth above, including a hinged spout (pipe 18) that dispenses liquid from an aperture in a container (upper body 16), but fails to teach: an elastomeric plug, the elastomeric plug fits into the aperture in the container to stop a flow of fluid there through, the plug having a portion that is larger than the aperture (in order for seal to form, plug must be larger at some point; Fig. 2). De Zarate also does not teach a portion of the plug preventing the plug from dislodging under the influence of gravity, wherein the portion is an enlarged head in the same embodiment.

Daniels teaches an elastomeric plug (rubber plug 96; col. 6, ln. 32-39), the elastomeric plug fits into the aperture in the container to stop a flow of fluid there through (Fig. 2), the plug having a portion that is larger than the aperture (in order for seal to form, plug must be larger at some point; Fig. 2). Daniels also teaches a portion of the plug preventing the plug from dislodging under the influence of gravity (plug 96 stuck in position seen in Fig. 5, i.e., plug prevented from dislodging due to gravity), the portion is an enlarged head (enlarged head of plug 96 seen in Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify De Zarate to include the plug as taught by Daniels, so as to maintain the seal via the plug until the user is ready to discharge the contents of the container (col. 6, ln. 30-36).

### ***Response to Arguments***

12. Applicant's arguments regarding the 112, 2nd paragraph rejection of "trajectory" have been persuasive; therefore, Examiner has withdrawn this particular 112, 2nd paragraph rejection. However, applicant's arguments filed 06/17/11 regarding the prior art are not persuasive.



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13. Regarding applicant's argument that Clark does not show an "actuating arm," it is examiner's position that Clark's cap could be interpreted as one. A limitation such as "handle," in the context of the broadest, most reasonable interpretation, merely describes a part that can be grasped or held by the hand. The front of the cap clearly provides a part that can be held by the hand. Regarding the combination of references, examiner looked to Schier for the particular design profile. The fact that Schier is a design patent buttresses examiner's position that it is well known in the art to adjust the design of the reamer according to user preferences and/or shape of food item. Regarding applicant's arguments concerning the newly-added limitations, see rejection of claim 1 above. Regarding the "spike," it is examiner's opinion that Thackray shows primary ribs converging to form a spike (Fig. 1 of Thackray).

14. Applicant also argues that examiner stretches and mischaracterizes not only the prior art but the motivations for the present invention. Examiner disagrees. It is examiner's opinion that combining Schier with Clark would not be a stretch, since the type of food being pressed might require the profile of Schier. Regarding applicant's argument concerning the motivation for combining Clark and Schier with Thackray, it is examiner's opinion that the secondary ribs could be used to catch seeds or pulp that is undesired by the user. (Examiner notes that motivations for combining references need not be related to applicant's motivations.)

15. Lastly, applicant argues that the flexibility of the linkage (and, by extension, examiner's motivation) has nothing to do with the invention. Examiner disagrees. In order to have a top that can adjust to the height of the food item, some level of flexibility is required. Examiner used Hartenberg to show that four-bar linkages are well established in the art and can be used for adjusting height.

***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN WASAFF whose telephone number is (571)270-1283. The examiner can normally be reached on Monday through Friday, 8:30am to 6:00pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571)272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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09/01/11

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3742